

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

R E C E I V E D

MAR 27 2018

AT 8:30  
WILLIAM T. WALSH  
CLERK

LYNN SMITH,

Appellant,

v.

MANASQUAN BANK,

Appellee.

Civ. No. 18-0048

**MEMORANDUM ORDER**

THOMPSON, U.S.D.J.

**INTRODUCTION**

This matter is before the Court on the application of Lynn Z. Smith ("Appellant") to proceed *in forma pauperis* on her appeal to this Court. (ECF No. 1-2.) The Court denies Plaintiff's application to proceed *in forma pauperis*.

**DISCUSSION**

To avoid paying court fees, a plaintiff may submit an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. "In making such application, a plaintiff must state the facts concerning his or her poverty with some degree of particularity, definiteness or certainty." *Simon v. Mercer Cty. Comm. College*, 2011 WL 551196, at \*1 (D.N.J. Feb. 9, 2011). A litigant need not be "absolutely destitute" to qualify. *Mack v. Curran*, 457 F. App'x 141, 144 (3d Cir. 2012).

Appellant submitted to this Court an Application to Proceed without Prepaying Fees or Costs that she submitted to the Bankruptcy Court before the filing of this appeal. (See ECF No. 1-2.) In this form, Appellant asserts that her employment income is \$5,200 per month, but she then attests that her gross monthly pay from her employer The College of New Jersey is \$7,129 per month. She also claims that she has a negative balance of \$1,511 in her checking account. She has monthly expenses of \$4,225 per month, and approximately \$8,000 in assets other than the \$1,750,000 home in which she currently resides. Appellant claims that she intends to spend \$500 in attorney's fees and expenses in conjunction with this appeal, but to date all of her filings are *pro se*.<sup>1</sup> Based on the facts, the Court believes that Appellant has not shown sufficient economic disadvantage to permit her to proceed *in forma pauperis*.

### CONCLUSION

IT IS, on this 27<sup>th</sup> day of March, 2018,

ORDERED that Appellant's application to proceed *in forma pauperis* is DENIED; and it is further

ORDERED that Appellant shall pay the fees required to proceed with this appeal.

  
ANNE E. THOMPSON, U.S.D.J.

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<sup>1</sup> Appellant includes in her application that the actions of the presiding bankruptcy judge "ha[ve] just raised the cost of retaining an attorney from \$500 to some amount ranging between \$2,500–5,000 up front" (ECF No. 1-1), but provides no support or explanation for this assertion.